

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MISSOURI STATE CONFERENCE OF THE,)
NATIONAL ASSOCIATION FOR THE)
ADVANCEMENT OF COLORED PEOPLE, et al.,)

Plaintiffs,)

vs.)

FERGUSON-FLORISSANT SCHOOL DISTRICT,)
et al.,)

Defendants.)

Case No. 4:14 CV 2077 RWS

**DEFENDANT FERGUSON-FLORISSANT SCHOOL DISTRICT'S
MOTION TO RE-OPEN CASE FOR ADDITIONAL EVIDENCE**

COMES NOW Defendant Ferguson-Florissant School District ("FFSD") and moves this Court to re-open this case for additional evidence to be submitted.

1. On April 5, 2016, after the close of evidence, there was a school board election in which four candidates ran for two seats on the Ferguson-Florissant School District Board of Education.

2. It is within the district court's discretion to reopen a case to admit new evidence. *Dent v Beazer Materials and Servs., Incl*, 156 F.3d 523, 533 (4th Cir. 1998).

3. Elections subsequent to trial may be considered by the trial court. *Collins v City of Norfolk, Va. ("Collins II")*, 883 F.2d 1232, 1243 (4th Cir. 1989); *Westwego Citizens for Better Gov't v. City of Westwego*, 906 F.2d 1042, 1045 (5th Cir. 1990).

4. Defendant FFSD would like to submit the certified election results from the April 5, 2016 election for District Board of Education as evidence in this matter, attached herewith as Exhibit A.

5. The April 5, 2016 FFSD Board election results are important and probative.

6. The April 5, 2016 FFSD Board election results could not have been introduced earlier because the election had not yet taken place.

7. The Court's re-opening of this case will not cause undue prejudice to Plaintiffs.

8. This Motion is in addition to District's request for judicial notice pursuant to Rule 201 in Section I (d) of District's Post Trial Brief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On April 22, 2016, a copy of the foregoing was electronically filed using the e-filing system, thereby serving electronic copies via email to all named parties.

/s/ Cindy Reeds Ormsby